

Item Number 9

Supporting Document 1

Tentative Order No. R9-2020-0088

August 12, 2020

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN DIEGO REGION

TENTATIVE ORDER NO. R9-2020-0088

**AN ORDER RESCINDING ORDER NO. 86-32, AN ORDER PROHIBITING THE
DISCHARGE OF WASTES BEYOND THE LIMITS OF LANDS OWNED OR
CONTROLLED BY COLOR SPOT FOLIAGE INC.,
NEAR FALLBROOK, SAN DIEGO COUNTY**

The California Regional Water Quality Control Board, San Diego Region (hereinafter San Diego Water Board) finds that:

1. Order No. 86-32, *An Order Prohibiting the Discharge of Wastes Beyond the Limits of Lands Owned or Controlled by Color Spot Foliage Inc., Near Fallbrook, San Diego County* (Order No. 86-32), established requirements for the discharge of wastes generated at the Color Spot Foliage Nursery (Nursery) and to prohibit the discharge of wastewater beyond the limits of lands owned or controlled by Color Spot Foliage Inc. The Nursery is located at 2575 Olive Hill Road, Fallbrook in San Diego County. The San Diego Water Board adopted Order No. 86-32 on June 16, 1986.
2. Order No. R9-2016-0004, *General Waste Discharge Requirements for Discharges from Commercial Agricultural Operations for Dischargers that are Members of a Third-Party Group in the San Diego Region* (General Order) was adopted by the San Diego Water Board on November 9, 2016. The General Order regulates discharges from commercial agriculture operations, including irrigation runoff, other non-stormwater runoff, and storm water runoff to waters of the State in the San Diego Region.
3. There are more than 6,000 commercial agricultural operation on approximately 70,000 acres of land in the San Diego Region. The production of crops on these lands requires disturbance to the soils and the use of various agricultural chemicals which can generate discharges of waste such as nutrients, pesticides, herbicides, fumigants, pathogens, and sediment. If not properly managed, these discharges can degrade water quality, cause or contribute to pollution and nuisance conditions, and adversely affect beneficial uses in waters of the State. The prohibitions and requirements of the General Order are intended to ensure that the discharge of wastes from commercial agricultural operations are properly managed to protect, maintain, and improve water quality and prevent impairment of beneficial uses in waters of the State within the San Diego Region.
4. Discharges from commercial agricultural operations that are regulated under the General Order are consistent with the criteria listed in California Water Code section 13263(i).

5. The Nursery enrolled in the General Order as a member of a third-party group on August 30, 2018.
6. Enrollment of the Nursery in the General Order will provide a level of water quality protection equal to that provided by Order No. 86-32. Furthermore, enrollment of the Nursery in the General Order will be more consistent with how other nurseries within the San Diego Region are regulated, allowing for efficient and effective regulation.
7. Rescission of Order No. 86-32 will ensure that the discharge is regulated consistent with current policies and requirements by having the Nursery operate under the more recently adopted General Order. Discharges from the Nursery will continue to be subject to requirements that will prohibit the discharge of wastes and wastewater from the boundaries of the Nursery.
8. Adoption of Order No. R9-2020-0088 is not subject to the California Environmental Quality Act (CEQA) (Public Resources Code, section 210000 et seq.). Pursuant to title 14, California Code of Regulations, sections 15060(c)(2) and 15061(b), the action to rescind Order No. 86-32 will not result in any physical change to the environment and therefore, will not have any potentially significant adverse effect on the environment because the discharges that were regulated by Order No. 86-32 are now regulated under the General Order, which is at least as protective of water quality as Order No. 86-32.
9. The San Diego Water Board heard and considered all comments pertaining to the adoption of Order No. R9-2020-0088 in a public meeting.

IT IS HEREBY ORDERED that Order No. R9-2020-0088 is adopted.

I, David W. Gibson, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on August 12, 2020.

TENTATIVE

David W. Gibson, Executive Officer